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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,741	09/26/2003	Klaus Bastian	028987.52610US	2737

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CROWELL & MORING LLP  
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EXAMINER

ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/670,741

**Applicant(s)**

BASTIAN ET AL.

**Examiner**

Gertrude Arthur-Jeanglaude

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1-5 is/are allowed.  
6) ☒ Claim(s) 6-9 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 92603.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Oath/Declaration***

It does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month and year of its filing.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by

Hara et al.(U.S. Patent No. 5,803,197).

As to claim 6, Hara et al. disclose a method of controlling a vehicle comprising the steps of determining a difference in speed between left side wheels and right side wheels of the vehicle; and adjusting distribution ratios between axles of the vehicle as a function of the difference in speed (See abstract; col. 1, lines 20-29)

As to claim 7, Hara et al. disclose a desired torque ratio considered as a constant torque at a longitudinal clutch when the difference in speed exceeds a predetermined value (See abstract; col. 1, lines 6-15; col. 13, lines 44-56).

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As to claim 8, Hara et al disclose a slip in acceleration wherein it is inherent to have a slip control as a function of the determining step (See col. 20, lines 46-58).

As to claim 9, Hara et al. disclose the speed of left and right side wheels is determined as a function of a driving speed and a steering angle of the vehicle (See col. 20, lines 25-33).

### ***Allowable Subject Matter***

Claims 1-5 are allowable.

The prior art fails to disclose a method of controlling handling of a vehicle having a controllable longitudinal clutch for all wheel systems, comprising the steps of comparing the determined wheel speeds on each side; and setting a constant torque as a function of the driving speed and the steering angle when a difference between the determined wheel speeds on each side exceeds a definable rotational speed difference.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Irie et al. (U.S. Patent No. 6,101,434) disclose a behavior control device of vehicle based upon double checking of yaw rate deviation.

Hara et al. (U.S. Patent No. 5,803,197) disclose a torque split control system for four wheel drive vehicles.

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Wakahara et al. (U.S. Patent No. 5,875,865) disclose a hydraulic pressure control system for four wheel drive vehicle with hydraulic pressure operated transfer clutch.

Hayasaki (U.S. Patent No. 5,644,916) disclose a hydraulic pressure supply system for variable torque transfer of four wheel drive vehicle.

Hara et al. (US Patent No. 5,599,075) disclose an anti-skid brake control system for four wheel drive vehicles.

Sawase (U.S. Patent No. 5,456,641) discloses a left/right drive torque adjusting apparatus for vehicle and left/right drive torque adjusting method for vehicle.

Naito (U.S. Patent No. 5,119,298) discloses a hunting suppressive power distribution control system for automotive vehicle with wheel drive power train layout.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (703) 308-7564. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ

*GAJ*

August 11, 2004

*Gertrude A. Jeanglaude*  
GERTRUDE A. JEANGLAUDE  
PRIMARY EXAMINER